

UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF GEORGIA  
ATLANTA DIVISION

FILED IN CHAMBERS  
U.S.D.C. Atlanta

JUN 23 2009

IN RE ING GROEP, N.V.  
ERISA LITIGATION

MASTER FILE NO.  
09-cv-00400-JEC

By: JAMES N. HATTEN, Clerk  
*James N. Hatten*  
Deputy Clerk

THIS DOCUMENT RELATES TO:  
All Actions

CONSENT SCHEDULING ORDER AND EXTENSION OF  
TIME

WHEREAS, the establishment of a schedule for the filing of certain pleadings, pretrial motions, and related matters will promote the efficient conduct of this litigation;

WHEREAS, on March 9, 2009, the Court entered a Consent Scheduling Order and Extension of Time, see Docket at 15, Sewright v. ING Groep N.V., et al., 1:09-CV-0400-JEC (N.D. Ga. March 9, 2009) (Carnes, J.) (the “First Consent Order”);

WHEREAS, the First Consent Order provides that the defendants identified in paragraph 1 of that order (the “Defendants”) shall serve their responses to the complaint not later than April 14, 2009, see First Consent Order ¶ 2;

WHEREAS, the First Consent Order provides further that “[e]ach and every action filed in, or transferred to, this Court that arises out of the same facts as

alleged in the above-captioned action shall constitute a case related to this action and shall be consolidated with this action,” First Consent Order ¶ 5;

WHEREAS, on March 5, 2009, plaintiff Deadre D. Diggs filed a related complaint in the Southern District of New York asserting claims against several of the defendants named in this action, see Complaint, Docket at 1, Deadre D. Diggs v. ING Groep N.V., et al., 09 CV 2038 (S.D.N.Y. March 5, 2009) (Crotty, J.);

WHEREAS, on March 26, 2009, David A. Wheat, who is a defendant in both the above-captioned action and the Diggs action, requested a pre-motion conference in Diggs concerning his intent to file a motion to transfer the Diggs action to this Court for consolidation with the instant action;

WHEREAS, on April 14, 2009, the parties jointly stipulated the Defendants shall have an interim extension of 30 days to answer or otherwise respond to the Original Complaint, see Joint Stipulation Regarding Extension of Time, Docket at 18, Sewright, 1:09-CV-0400-JEC (N.D. Ga. April 14, 2009);

WHEREAS, on April 20, 2009, plaintiff Deadre D. Diggs filed a notice of voluntary dismissal in Diggs, see Voluntary Dismissal Without Prejudice, Docket at 2, Diggs, 09 CV 2038 (S.D.N.Y. April 20, 2009);

WHEREAS, on April 24, 2009, plaintiff Deadre D. Diggs filed a related complaint in this Court, asserting claims against all of the defendants named in this

action, see Complaint, Docket at 1, Deadre D. Diggs v. ING Groep N.V., et al.,  
1:09-CV-01100-JEC (N.D. Ga. April 24, 2009) (Carnes, J.);

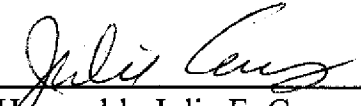
WHEREAS, pursuant to the terms of the First Consent Order and the  
Court's May 8, 2009 Order, the Diggs action is automatically consolidated with the  
Sewright action;

WHEREAS, the parties have agreed to the terms of this Consent Order as  
evidenced by the signatures of their counsel below:

**IT IS HEREBY ORDERED** that:

1. Plaintiffs shall file and serve an amended consolidated complaint (the  
"Consolidated Complaint") on or before June 8, 2009.
2. Defendants shall answer or otherwise respond to the Consolidated  
Complaint within thirty (30) days of being served with the Consolidated  
Complaint.

IT IS SO ORDERED this 22 <sup>June</sup> of ~~May~~, 2009.

  
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Honorable Julie E. Carnes  
United States District Judge

Consented To by:

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ALSTON & BIRD LLP

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/s/  
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